

AMENDED IN SENATE JULY 13, 2011

AMENDED IN ASSEMBLY MAY 5, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1235**

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**Introduced by Assembly Member Roger Hernández**

February 18, 2011

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An act to add Section ~~33460~~ 33459.7 to the Health and Safety Code, relating to redevelopment, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as amended, Roger Hernández. ~~Redevelopment: property: hazardous substance release: immunities. Polanco Redevelopment Act: transfer of powers, obligations, and protections.~~

The Polanco Redevelopment Act specifies, *among other things*, that a redevelopment agency that undertakes and completes an action, or causes another person to undertake and complete an action, to remedy or remove a hazardous substance release on, under, or from property within a redevelopment project, in accordance with a cleanup or remedial action plan prepared by a qualified independent contractor and approved by the department or a California regional water quality control board or a local agency, is not liable, with respect to that release only, under the Porter-Cologne Water Quality Control Act, and specified hazardous waste control and storage provisions, or any other state or local law providing liability for remedial or removal actions for releases of hazardous substances.

This bill would apply ~~the immunities~~ *all rights, powers, duties, obligations, and protections* afforded to a redevelopment agency under ~~these provisions the Polanco Redevelopment Act~~ to a successor agency, as defined, for any property that was within a redevelopment project of a redevelopment agency that has been dissolved by an act of the Legislature.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section ~~33460~~ 33459.7 is added to the Health  
2 and Safety Code, to read:

3 ~~33460~~

4 33459.7. (a) If a redevelopment agency has been dissolved by  
5 an act of the Legislature and its successor agency maintains all the  
6 rights, powers, ~~and duties~~ *duties, obligations, and protections* that  
7 were vested by this part in the redevelopment agency prior to its  
8 dissolution, then ~~any immunity specified in Section 33459.3~~ *all*  
9 *rights, powers, duties, obligations, and protections* that applied to  
10 a redevelopment agency *pursuant to this article* shall also apply  
11 to the successor agency for any property that was within a  
12 redevelopment project of the redevelopment agency prior to its  
13 dissolution.

14 (b) ~~“Successor”~~ *For purposes of this section, “successor agency”*  
15 *means the city, county, or city and county that authorized the*  
16 *creation of each redevelopment agency.*

17 SEC. 2. *This act is an urgency statute necessary for the*  
18 *immediate preservation of the public peace, health, or safety within*  
19 *the meaning of Article IV of the Constitution and shall go into*  
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to conform to recently enacted legislation, it is necessary*  
22 *that this act take immediate effect.*